

Attorney's Docket No. 35140.002



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Bart D. Hibbs, et al.

Serial No.: 09/928,038

Group No.: 2834

Filed: 08/09/2001

Examiner: Julio C. Gonzalez

For: METHOD OF AND APPARATUS FOR WAVE ENERGY CONVERSION USING  
A FLOAT WITH EXCESS BUOYANCY

Assistant Commissioner for Patents

~~Washington, D.C. 20231~~ P.O. Box 1450

Alexandria, VA 22313-1450

**AMENDMENT TRANSMITTAL**

1. Transmitted herewith is an amendment for this application.

**STATUS**

2. Applicant is

☒ a small entity. A verified statement:

☐ is attached.

☒ was already filed.

☐ other than a small entity.

**CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.10)**

I hereby certify that this correspondence is, on the date shown below, being:

Express Mail No. EV 255345430 US

**MAILING**

**FACSIMILE**

☒ deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the

☐ transmitted by facsimile to the Patent and Trademark Office.

Assistant Commissioner for Patents, P.O. Box 1450

~~Washington, D.C. 20231~~ Alexandria, VA  
22313-1450

Date: 9-11-2003

Signature

Tony D. Chen

(type or print name of person certifying)

(Amendment Transmittal [9-19]—page 1 of 4)

## EXTENSION OF TERM

NOTE: "Extension of Time in Patent Cases (Supplement Amendments) — If a timely and complete response has been filed after a Notice-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

*If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).*

NOTE: See 37 C.F.R. 1.645 for extensions of time in interference proceedings, and 37 C.F.R. 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

(complete (a) or (b), as applicable)

- (a) ☐ Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)-(d) for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 390.00	\$195.00
<input checked="" type="checkbox"/> three months	\$ 930.00	\$465.00
<input type="checkbox"/> four months	\$1,470.00	\$735.00

Fee \$ 465.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured. The fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 465.00

OR

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

### FEE F R CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)		(Col. 2)		(Col. 3)	SMALL ENTITY	OTHER THAN A SMALL ENTITY
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO PREVIOUSLY PAID FOR		PRESENT EXTRA	ADDIT. FEE OR RATE	ADDIT. FEE
TOTAL	• 41	MINUS	** 40	=		\$9	
						x\$11 = \$ 9	x\$22 = \$
INDEP.	• 2	MINUS	*** 2	=		x\$40 = \$ 0	x\$80 = \$
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM						+\$130 = \$	+\$260 = \$
						TOTAL ADDIT. FEE \$ 9	OR TOTAL ADDIT. FEE \$

\* If the entry in Col. 1 is less than entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest No. Previously Paid for" IN THIS SPACE is less than 20, enter "20".

\*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

**WARNING:** "After final rejection or action (§ 1.113) amendments may be made cancelling claims or complying with any requirement of form which has been made." 37 C.F.R. § 1.116(a) (emphasis added).

(complete (c) or (d), as applicable)

- (c) ☐ No additional fee for claims is required.

**OR**

- (d) ☒ Total additional fee for claims required \$ 9.00.

### FEE PAYMENT

5. ☒ Attached is a check in the sum of \$ 9.00 and a second check for \$465.00  
☐ Charge Account No. \_\_\_\_\_ the sum \_\_\_\_\_ for three month extension  
of \$ \_\_\_\_\_ of time fee

A duplicate of this transmittal is attached.

## FEE DEFICIENCY

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).


6. ☒ If any additional extension and/or fee is required, charge Account No. 18-2222

## AND/OR

- ☒ If any additional fee for claims is required, charge Account No. 18-2222

Reg. No.: 36,998

Tel. No.: (818) 783-0990

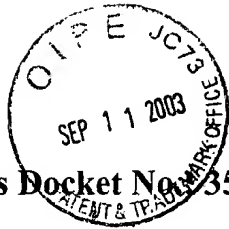
 9/11/03  
SIGNATURE OF ATTORNEY

Tony D. Chen

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Attorney's Docket No. 35140.002

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In the Application of:**

Bart D. Hibbs, *et al.*

**Serial No.:** 09/928,038

**Filing Date:** 08/09/2001

**For the Invention of:**

Method of and Apparatus for  
Wave Energy Conversion Using  
A Float with Excess Buoyancy

Group Art Unit No.: 2834

Examiner: Julio C. Gonzalez

Telephone: (703) 308-1047

**MAIL STOP FEE AMENDMENT**

**COMMISSIONER FOR PATENTS**

**P.O. BOX 1450**

**ALEXANDRIA, VA 22313-1450**

I hereby certify that this correspondence  
is being deposited with the United States  
Postal Service as Express Mail in an  
envelope addressed to: Commissioner of  
Patents and Trademarks, Washington, D.C.  
20231, on Sept 11, 2003  
Date of Deposit

Express Mail No. EV255345430US

TONY D. CHEN  
Registration No. 36, 993

Tony D. Chen 9/11/03  
Signature and Date

**REQUEST FOR APPROVAL OF DRAWING CHANGES**

**(37 C.F.R. § 1.123)**

1. This Request for Approval of Drawing Changes Under 37 C.F.R.  
§ 1.123 is being mailed by United States Express Mail, Express Mail Label  
No. EV255345430US, postage prepaid, addressed to Mail Stop Fee Amendment,  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, together  
with the Response to and Amendment After First and Non-Final Office Action to  
the above identified Patent Application (hereafter "the '038 Application").

2. In the event the Commissioner for Patents should determine that any fee is due for acceptance of this Request, then the Commissioner for Patents is hereby authorized to charge Deposit Account No. 18-2222 for the appropriate fee.

3. Three (3) sheets of corrected drawings with changes marked in red ink and three (3) corresponding clean sheets of the same drawings are filed concurrently with this Request. The following drawing corrections are made to address the Examiner's objection to the drawings:

3.1 Figures 3A and 3C, reference **148**:

Figure 3A has been amended to show the electric generator **148** attached to the tether **120**.

Figure 3C has been amended to show the electric generator **148** attached to the float **110**.

No new matter is introduced.

A sheet of drawings containing Figures 3A and 3C with proposed drawing correction in red ink, and a clean sheet of the same drawings after the correction, are submitted, along with this

3.2 Figure 4B, reference **162**:

The reference numeral **162** and the antenna shaped drawing element pointed by reference numeral **162** in Figure 4B are both deleted therefrom.

A sheet of drawing containing Figure 4B with proposed drawing correction marked in red ink, and a clean sheet of the same drawings after the correction, are submitted, along with this Request.

3.3 Figure 5A, references **130**, **132** and **134**:

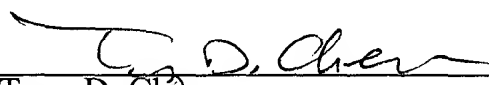
The reference numeral **130** in both Figures 5A and 5B has been corrected to reference numeral **20** which points to the ocean floor. The reference numeral **120** at the far right end of Figure 5A is deleted.

A sheet of drawings containing Figures 5A and 5B with proposed drawing correction in red ink, and a clean sheet of the same drawings after the correction, are submitted, along with this Request.

4. Accordingly all drawings of the applicant's '038 Application as presently set forth are now in condition for allowance, and issuance of a Notice Of Allowance is respectfully solicited. Should there be any issues remaining for the allowance of the amended pending claims of the '038 Application, the Examiner is respectfully invited to contact the undersigned by telephonic means before the issuing of a final office action.

Respectfully submitted,

Date: Sept. 11, 2003

  
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